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STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL

At the 3697th meeting of the Security Council, held on 20 September 1996, in connection with the Council's consideration of the item entitled "The situation in Croatia", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council has considered the report of the Secretary-General of 23 August 1996 (S/1996/691), submitted pursuant to Security Council resolution 1019 (1995) on Croatia.

"The Security Council notes progress in the humanitarian and human rights situation in some areas. The Council regrets, however, that many of its previous requests have not been complied with by the Government of Croatia. Numerous incidents threatening the population in the formerly Serb-controlled areas are a continuing source of concern and could jeopardize the prospects for peaceful and substantial reintegration of refugees and displaced persons in Croatia.

"The Security Council commends the Agreement between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23 August 1996, and expects the commitments contained therein to be implemented.

"The Security Council recognizes steps taken by the Government of Croatia to reintegrate refugees and displaced persons into Croatia but urges the Government to expand its programme to accelerate the return of all such persons without preconditions or delay. The Council urges the Government of Croatia also to expand its humanitarian relief efforts, especially as winter approaches.

"The Security Council in the statement of its President of 3 July 1996 (S/PRST/1996/30) highlighted the need for adoption of a comprehensive amnesty law, in cooperation with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES). Since the report of the Secretary-General of 23 August 1996 which found no substantial progress in this regard since passage of the Government of Croatia's amnesty law of 17 May 1996, the Republic of Croatia on

20 September 1996 enacted a new amnesty law. The Council welcomes this development as a step towards addressing the concerns outlined by the Statement of the President on 3 July 1996 and emphasizes that such a law must be implemented without delay and in a fair and equitable manner, with full respect for the rights of the individual. The Council will follow such implementation closely. The Council notes that a comprehensive new amnesty law and its equitable application are also vital elements in preparing for elections in Eastern Slavonia and important factors in the successful completion of the UNTAES mandate.

"Despite some positive developments, the Security Council is deeply concerned that residents of the Krajina and Western Slavonia continue to suffer from inadequate security, including the danger of theft or assault at any time. The Council also notes with concern attacks and threats against those engaged in humanitarian relief activities and human rights monitoring in the area. In particular it deplores the reported involvement of Croatian uniformed military and police officials in acts of looting and harassment.

"The Security Council urges the Croatian authorities to act immediately to improve the security situation in those regions. It urges that Croatian officials ensure that members of the military and police refrain from criminal and other unacceptable behaviour, and increase their efforts to protect the human rights of all persons present in Croatia, including the Serb population.

"The Security Council welcomes the recommendations made by the Secretary-General in his report for specific action which must be taken to improve the human rights situation in the Republic of Croatia, inter alia, in the framework of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (S/1995/951, annex), as part of the peace process towards a comprehensive political settlement in the region. In this context, the Council calls upon the Government of Croatia to expand investigations of crimes committed against the Serb population in 1995. The Council again calls upon the Government of Croatia to rescind its decision of September 1995 suspending certain constitutional provisions affecting the rights of national minorities, principally Serbs.

The Security Council reminds the Government of Croatia of its obligation to cooperate with the International Tribunal for the Former Yugoslavia and, in particular, to execute the arrest warrants issued by the Tribunal regarding individuals under Croatian jurisdiction, including prominent accused persons known or believed to be in areas under its control, and to transfer to the Tribunal all indicted persons. In this context, the Security Council deplores the failure to date of the Republic of Croatia to execute the arrest warrants issued by the Tribunal against individuals indicted by the Tribunal, in particular the Bosnian Croats referred to in the letter of 16 September 1996 from the President of the Tribunal to the President of the Council (S/1996/763), and calls for the execution of those arrest warrants without delay.

"The Security Council recalls that no individual should be arrested and detained on the territory of the former Yugoslavia for serious violations of international humanitarian law until and unless the International Tribunal has reviewed the case and agreed that the warrant, order, or indictment meets international legal standards.

"The Security Council will remain seized of the matter and requests that the Secretary-General continue to report on the situation, in any case no later than 10 December 1996."